

**CASE NO. 14-17-00685-CR**

<b>THE STATE OF TEXAS</b>	§	<b>IN THE</b>	FILED IN
	§		14th COURT OF APPEALS
<b>VS.</b>	§	<b>14th COURT</b>	HOUSTON, TEXAS
	§		7/17/2018 6:17:56 AM
<b>NELSON GARCIA DIAZ</b>	§	<b>OF APPEALS</b>	CHRISTOPHER A. PRINE
			Clerk

**MOTION TO ABATE APPEAL**

**TO THE HONORABLE JUSTICES OF SAID COURT:**

Comes now Appellant, NELSON GARCIA DIAZ, and files this MOTION TO ABATE APPEAL and would respectfully show this Honorable Court the following:

1. The reporter's record in the above numbered cause reflects that two motions to suppress were heard and ruled upon by the trial court. (R.R. Vol. 2 & 3; R.R. Vol. 4 at 27.)
2. Appellant, having lost both motions, requested the trial court make findings of fact and conclusions of law and the trial court indicated it would fulfill Appellant's request. (R.R. Vol. 4 at 27.)
3. The record does not contain any findings of fact or conclusions of law from the trial court.
4. Pursuant to *Cullen v. State*, 195 S.W.3d 696 (Tex.Crim.App. 2006) and Texas Rule of Appellate Procedure 44.4, a trial court must make essential findings of fact and conclusions of law "adequate to provide an appellate court with a basis upon which to review the trial court's

application of the law to the facts” and an appellate court should direct a trial court to correct remedial error when the trial court can.

Wherefore, premises considered, Appellant moves this Honorable Court to abate appellate proceedings and order the trial court to record its findings of fact and conclusions of law in the above numbered appeal.

Respectfully submitted,

/s/ *Nicole Deborde*  
Nicole Deborde  
Counsel for Appellant  
3515 Fannin St  
Houston, TX 77004  
(713) 526-6300

### **CERTIFICATE OF SERVICE**

I hereby certify that on this the 17th day of July 2018, a true and correct copy of the foregoing motion was tendered to the Harris County District Attorney’s Office Appellate Division—Eric Kugler.

*Nicole DeBorde* /s/  
Nicole DeBorde

